

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALL POINTS CAPITAL CORP,

Plaintiff,

V

Defendants.

Plaintiff All Points Capital Corporation filed this action on September 19, 2008. Doc #1. On November 11, 2008, plaintiff filed proof of service on seven of the eight defendants listed in the complaint: Boris Gokhman, Vladimir Shuk, Todd Beasley, Ridgetop Hawaii, Pacific Rollforming LLC, Architectural Metal Products and Ridgetop Roofing and Gutter. Doc ## 10-16. Plaintiff has not filed proof of service on defendant Robert Ollman.

1 to plaintiff's motion by the applicable deadline.

2 On May 18, the court ordered defendants to respond to
3 plaintiff's motion not later than May 28. Doc #34. The court
4 informed defendants that failure to comply with the court's May 18
5 order would be deemed grounds to grant plaintiff's motion. After
6 defendants failed to comply with the May 18 order, the court
7 granted summary judgment on June 30 against all defendants served:
8 Architectural Metal Products, Inc, Pacific Rollforming, LLC,
9 Ridgetop Hawaii, Inc, Ridgetop Roofing and Gutter, Inc, Boris
10 Gokhman, Vladimir Shuk and Todd Beasley. Doc #36.

11 On July 14, plaintiff moved for leave to file a motion to
12 modify the order granting summary judgment to include a turnover of
13 collateral. Doc #37. At that time, plaintiff advised the court
14 that an involuntary bankruptcy petition was filed on April 16, 2009
15 against defendant Pacific Rollforming, LLC.

16 On September 11, the court ordered defendants to respond
17 to plaintiff's motion on or before September 24. Doc #38. If
18 defendants failed to do so, the court stated that a stay would
19 issue as to the Pacific Rollforming bankruptcy proceeding. Id.

20 On October 14, plaintiff's counsel filed a letter with
21 the court indicating that the bankruptcy proceeding has been
22 dismissed. Doc #39. Accordingly, plaintiff's request that the
23 court enter judgment against all parties pursuant to the court's
24 order of June 30, 2009 is GRANTED.

25 In light of the conclusion of the bankruptcy proceeding,
26 the court's June 30 order is modified as follows:

27 In addition to the relief granted in the June 30 order,
28 plaintiff is also entitled to have its security interest in the

1 collateral (as that term is defined in plaintiff's motion for
2 summary judgment) foreclosed, to have a sale directed and to have
3 the proceeds applied to satisfy the debt owing to plaintiff from
4 defendants Architectural Metal Products, Inc, Ridgetop Hawaii, Inc,
5 Ridgetop Roofing and Gutter, Inc, Boris Gokhman, Vladimir Shuk and
6 Todd Beasley. Architectural Metal is further directed to turn over
7 the collateral to plaintiff at such place or places plaintiff
8 chooses within ten (10) days of this order. In the event that
9 Architectural Metal refuses to turn over the collateral, plaintiff
10 should pursue a course of relief as the law so allows.

11 The court's June 30 order is not otherwise modified
12 except as expressly set forth above.

13 The clerk is DIRECTED to enter the attached form of
14 judgment and close the file.

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16 IT IS SO ORDERED.

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19 VAUGHN R WALKER
20 United States District Chief Judge
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